BILL NO. Z-84-12-13

ZONING MAP ORDINANCE NO. Z-Rosh

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-3.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots 89, 91 and 93 in Second Interurban Acre Addition to the City of Fort Wayne, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. H-3, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Bradbury, seconded by Steen, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATE: 12-11-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Read, seconded by Bradbury, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	4	2	2	1	
BRADBURY		✓			
BURNS	✓				
EISBART	✓				
GiaQUINTA			✓		
HENRY			✓		
REDD		✓			
SCHMIDT	✓				
STIER				✓	
TALARICO	✓				

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____.M.,E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____.M.,E.S.T.

WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE Public Garage

I/We Warren Howard, Thomas Dague, Steve Richardville
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1 District to a/an B3B District the property described as follows:

90-91) Lot 91 in Second Interurban Acre Addition to the City of Ft Wayne In. Plat Book 4 page 61 doc # 82-5296

89) Lot 89 in 2nd Interurban Acre Addition to City of Fort Wayne, In. #79-1257

93) Lot 93 in Second Interurban Acre Addition to the City of Ft Wayne, Ind. doc # 84-23042

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE GIVEN: 2122 Fillmore
2102 Fillmore
2120 Fillmore

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

93) Thomas A. Dague Jr.	2122 Fillmore St	Thomas A. Dague Jr.	
89) Steve Richardville	2102 Fillmore Ave	Steve Richardville	
90-91) Warren Howard	2120 Fillmore St.	Warren Howard	
(Name)	(Address)	(Signature)	

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitte to the City Plan Commission prior to the legal notice pertaining to the ordin being sent to the newspaper for legal publication. If the request for deferr continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at wh it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that a ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the ma for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

Warren Howard	2120 Fillmore 46804	436-2383
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zonin and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Stree Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hea approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 11, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-12-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 10, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinancebe returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Finding of Facts":

1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;

2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship ot this property;

5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 17, 1984.

Certified and signed this
19th day of December 1984.

Melvin O. Smith
Secretary

BILL NO. Z-84-12-13

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. H-3

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

YES		NO
	CHARLES B. REDD CHAIRMAN	Charles B. Redd
	JANET G. BRADBURY VICE CHAIRWOMAN	Janet G. Bradbury
	JAMES S. STIER	
for A. Eisbart	BEN A. EISBART	
D J Schmidt	DONALD J. SCHMIDT	

CONCURRED IN 1-8-85

SANDRA E. KENNEDY
CITY CLERK

Prescribed by State Board of Accounts

A.B. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

Upstairs

No 10817

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 10/26 19 84

RECEIVED FROM Linda Howard $ 50.00

THE SUM OF fifty 00/100 DOLLARS

ON ACCOUNT OF zoning fees.

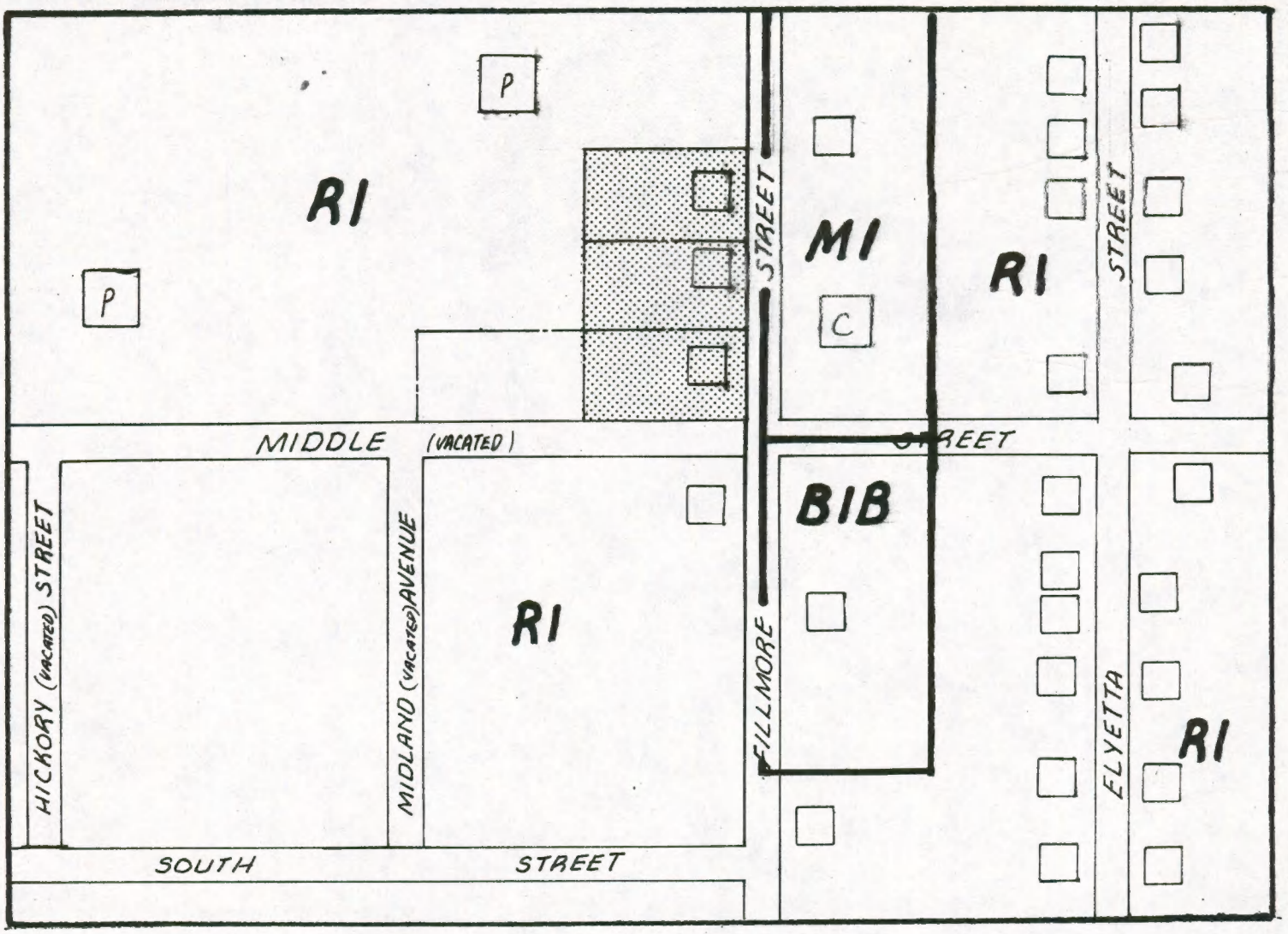
AUTHORIZED SIGNATURE

ZONING PETITION #103

A PETITION TO AMEND THE ZONING MAP RECLASSIFYING DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A B3B DISTRICT.

MAP NO. H-3

COUNCILMANIC DISTRICT NO. 4



Zoning:

RI	RESIDENTIAL DISTRICT
MI	LIGHT INDUSTRY
BIB	LIMITED BUSINESS

Land Use:

☐	SINGLE FAMILY
C	COMMERCIAL
P	PUBLIC SCHOOL

Z-84-12-13

NORTH

Scale: 1" = 200'

Date: OCT 31, 1984

FACT SHEET

Z-84-12-13
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		

DETAILS

Specific Location and/or Address

2102, 2120, 2122 Fillmore Street

Reason for Project

To legalize an auto repair garage.

Discussion (Including relationship to other Council actions)

December 10, 1984 Public Hearing

Steve Miller, attorney for the petitioner stated that his client ran his auto repair garage from this property and in order to continue it needed to be properly zoned. Mr. Miller stated that the area is being used commercially as well as industrially. He stated that this area is not likely to be invested in for residential uses with industrial and commercial already operating across the street. He stated the best use of this land is for commercial.

Mr. William Boger, 2204 Fillmore; Russell & Dorothy Ellet, 3515 Middle Street; Paul Peterink, 5810 Fernwood; Wayne & Darlene Dupre and the principal of Lindley Elementary School submitted letters stating they had no objection to the proposed rezoning or use.

David Kiester questioned what they did with waste materials, since they have no city sewers.

The petitioner, Mr. Warren Howard, stated he had no waste materials other than oil and

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Warren Howard **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☐ For ☒ Against **Reason Against** 1) spot zoning 2) adversely impact area
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

that was stored in barrels and sold.

David Kiester questioned what their elevation was if they were in the flood plain.

An area resident stated that he owned B-1-B property to the southeast and that the highest point of his lot was 757 feet MSL and he was in the fringe. He stated that during the last flood the water came out in the street but he did not have any in his building.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

December 17, 1984 Business Session

Fred Yoss read the Site Committee Report:

Site Committee concurs with staff recommendation of DENIAL for the following reasons:

1) Approval would constitute spot zoning.
2) With the Flood Fringe Zoning implementation we should consider downzoning, not upzoning this area.
3) The Plan Commission should consider the two existing spot zoned of "M-1 and B-1-B" for downzoning to surrounding residential zone during update process in 1985.

Ben Eisbart stated that he has represented this area for some 5 years and he had some difficulty with the denial in light of the fact that the last home was built in the area some 10 years ago. He stated it does have B-1-B & M-1 zoning in the immediate area. He stated the area already has businesses operating in the area. He stated that the cost and condition of the [illegible] structures is not the revelancy, but the fact is that it appears highly unlikely that [illegible] will be developed for any more [illegible]es. He stated that key issue al[illegible]s that the neighbors in the surrounding [illegible] including the school, have indicated that this would be a good neighbor and have no difficulty with it.

Edith Kenna felt that this would be encouragi development in the Flood Plain, something the City did not want to do.

Mr. Eisbart stated that this area was in the fringe and not the floodway, the area is affected when we have flooding but not to the extreme. Mr. Eisbart stated he felt the highest and best use was commercial.

Mrs. Kenna stated that she disagreed.

Mr. Eisbart stated that perhaps when we redo the Zoning Ordinance we will be able to find a place for situations such as this.

Motion was made by Fred Yoss, seconded by Edith Kenna to return the ordinance to City Council with a DO NOT PASS recommendatio motion carried with 7 yeas and one nay.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 10/26/84

Projected Completion or Occupancy Date 12/19/84

Fact Sheet Prepared by Date 12/19/84

Patricia Biancaniello

Reviewed by Date 12/19/84

Gary Barton

Reference or Case Number

ORIGINAL

Admn. Appr. _____

DIGEST SHEET ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-8412-13

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lots 89, 91 & 93 in Second Interurban Addition, commonly known as 2012, 2120 & 2122 Fillmore Street.

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential. Property will become B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.'

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____